IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET
CRIMINAL WRIT PETITION NO.403 OF 2006

Showman International ....Petitioner
vs.
The State of Maharashtra & Anr. ...Respondents

Mr.Prasad Das i/b M/s.Geenka Law Associates for the Petitioner
Mr.Rajesh More A.P.P. for Respondent No.1-State
Mr.V.B.Jaisingh for Respondent No.2

CORAM: A.S.OKA,J.
DATE : AUGUST 25, 2006.

P.C.:

1. Rule. Advocates for Respondents waive service. Taken up for hearing forthwith. The challenge in this Petition under Article 227 of Constitution of India is to the order passed by the learned Magistrate by which process was issued on the private complaint filed by the second Respondent as well as to the order dated 14th February 2006 passed by the Additional Sessions Judge in a Revision Application filed by the present Petitioner.

2. The Revision Application was filed by the present Petitioner for challenging the order passed by the learned Magistrate issuing process on the private complaint filed by the second Respondent. After having heard the Advocates for the parties I find that the learned Additional Sessions Judge has committed an error by coming to the conclusion that the Revision Application against the order issuing process was not maintainable. As the learned Judge was of the view that the Revision Application was not maintainable, it appears that the merits of the Revision Application were not considered. As the finding of the learned Judge that the Revision Application

was not maintainable is erroneous, the impugned Judgement and Order deserves to be set aside and the Revision Application deserves to be heard afresh by the Additional Sessions Judge.

. Hence, I pass the following order :

i) Impugned Judgment and Order dated 14th February 2006 is quashed and set aide and Criminal Revision Application No.155 of 2006 is restored to the file.

ii) The parties are directed to appear before the learned Additional Sessions Judge on 18th September 2006 at 11.00 a.m.

iii) Ad-interim relief granted by this Court on 21st February 2006 will continue to operate till the disposal of the Revision Application.

iv) The learned Additional Sessions Judge will decide the Revision Application preferred by the Petitioner afresh on its own merits. The learned Judge is expected to hear and decide the Revision Application as expeditiously as possible and in any event on or before 22nd December 2006.

v) All contentions of the parties on merits of the Revision Application are kept open.

vi) Parties and the concerned Court to act upon an authenticated copy of this order .

JUDGE